

CHAPTER 10 PROCEDURAL SAFEGUARDS

10.1 Introduction

This chapter provides the process for ensuring the implementation of the safeguards to which each child eligible for services and his/her family is entitled. The sections that specify procedures for AzEIP services are specific to those Contractors who also have a contract to provide AzEIP service coordination. Other procedures apply to nursing services.

10.2 Consent

Consent in this context means permission from the family. It ensures that:

- The family has been fully informed of all information relevant to the activity for which consent is sought, in the family's native language or mode of communication.
- The family understands and agrees in writing to the activity for which consent is sought. The written, signed agreement describes the activity and a list of records (if any) to be released and to whom.
- The family understands that consent is voluntary and they may revoke it at any time.
- The family has the right to determine whether the infant/toddler or any other family member will accept or decline an early intervention service without jeopardizing other early intervention services under IDEA, Part C

10.2.1 Parental Consent

Parental Consent shall be obtained in writing before:

- Conducting the initial eligibility evaluation and assessment of a child
- Initiating the provision of early intervention services

10.2.2 Parental Consent Not given

If parental consent is not given, reasonable effort shall be made to ensure that the family:

- Is fully aware of the nature of the evaluation and assessment or service that would be available
- Understands that the child will not be able to receive the evaluation, assessment or services unless consent is given.

10.3 Review and Inspection of Records

Parents shall be permitted to examine, inspect and review (without unnecessary delay) any records relating to their child's evaluations, assessments, and eligibility determination. The Statement of Child and Family Rights, You and Your Child's Rights, and Advocating for Your Child shall be provided to the family prior to the evaluation. Every parent of a child eligible for AzEIP has the right to examine, inspect and review the records of their child and family related to:

- Assessments and evaluations
- Eligibility determinations
- Development and implementation of IFSP's
- Individual complaints dealing with the child
- Any other area under IDEA, Part C involving records about the child or the child's family.

10.3.1 Requests for Review of Records

Each provider shall comply with a parent's request to examine, inspect, and review the records of his/her child and family:

- Without unnecessary delay
- Before any meeting regarding an IFSP
- Before any hearing related to the identification /eligibility determination or placement of the child.
- Within no more than 45 days of the request

10.3.2 Procedures for Record Review

When a parent makes a request to examine, inspect, and review the records of his/her child and family the following steps will be taken:

- The contractor shall provide the parent with written instructions on his/her rights and how to access the records, and ensure that the parent understands these instructions.
- A date and time, that is convenient to the parent, will be set up to explain the purpose for which the information in the records shall be used and to provide explanations and interpretations of the records. This may be done:
 - I. At the same time the parent is inspecting and reviewing the records
 - II. Immediately following the parent's inspection and review of the records, or at a later date and time.

10.4 Corrections to Records

A parent may request to make corrections to information in his/her child's records which they believe is inaccurate, misleading, or violates the privacy or other rights of the child or family. Each provider shall decide whether to make the requested corrections to the information in the child's records within a reasonable amount of time, but no later than 45 days.

10.5 Confidentiality

The confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages shall be protected. Each participating agency shall maintain, for public inspection, a current listing of the names and positions of those employees who may have access to personally identifiable information and those other parties who obtained access to the records.

10.6 Record Retention

The Office of Women's & Children's Health and Office of Children with Special Health Care Needs program administration and ADHS Office of Auditing shall have access to client records in order to conduct necessary evaluations or programmatic review.

A. Administrative Records

Under A.R.S. §§35-214 AND 35-215, the contractor shall retain and shall contractually require each subcontractor to retain all data and other records ("records") relating to the acquisition and performance of the contract for a period of three years after the completion of the contract. All records shall be subject to inspection and audit by the State at reasonable times. Upon

request, the contractor shall produce a legible copy of any or all such records.

B. Patient Records

ADHS requires the Contractor to store and maintain all client records in a safe secure location for 5 years after the last date of service. Records may be retained longer as required by the existing legal requirements of the contracting entity. Clients will have signed an informed consent statement on admission of their infant to the program indicating, in part, that a record will be maintained and to whom those records may be released.

C. Termination of Contract

Upon termination of the contract, all administrative documents, data and reports prepared by the Contractor under the Contract shall be maintained for a period of three years beyond termination. Patient records shall be maintained as outlined in #2 above.

10.7 Complaint Process (system complaint)

All children/families served through ADHS programs have the right to file a complaint. The following steps will be taken when a complaint is filed:

- The family of a child served by CNS may file a complaint with the program coordinator at the facility where the child is being served. The Program Coordinator is required to respond in writing within 15 working days.
- A copy of the complaint and the response shall be forwarded to the appropriate ADHS Program Manager.
- If the complaint is not resolved by the contract provider, the family may contact the ADHS program managers:

150 North 18th Avenue, Suite 320
Phoenix, AZ 85007-3242

- Complaints that cannot be resolved by the ADHS Program Managers will be presented for a higher-level review.